

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 841 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

=====

1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?

4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge? : NO

AHMEDABAD MUNICIPAL CORPN

Versus

A'BAD MUNICIPAL KAMDAR UNION

Appearance:

MR S M Mazgaonkar for Mr MG NAGARKAR for Petitioner
MR Vaishnav for Mr KV GADHIA for Respondent No. 1, 2

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 13/10/2000

ORAL JUDGEMENT

The petitioner has preferred this petition under Article 227 of the Constitution of India for appropriate writ, order or direction for quashing and setting aside the award dated 17.6.1991 passed by the Industrial

Tribunal Gujarat at Ahmedabad in Reference (IT) No.683/84.

2. The aforesaid Reference was made to the Industrial Tribunal Gujarat at Ahmedabad for adjudication of the industrial dispute between the petitioner as well as the respondents. Since the parties have arrived at a consent, I do not find it necessary to go into detailed discussion about the rival disputes between the parties. The Award was made on 17.6.1991 by the Industrial Tribunal in the aforesaid Reference. The petitioner has challenged the said award by way of filing this petition under Article 227 of the Constitution of India.

3. On receiving the petition, Rule was issued at the first instance and Mr K V Gadhiya, learned Advocate had put in appearance on behalf of respondents no.1 and 2 to defend these two respondents. The matter was posted for hearing and after some adjournments, the learned Advocates for the parties are present and they have stated that there is a consent between the parties. Mr S M Mangaonkar, learned Advocate appears for Mr S N Shelat for the petitioner and learned Advocate Mr Vaishnav appears for Mr K V Gadhiya for respondents No.1 and 2. It is their common case that after the aforesaid case of 1991, there were similar other matters and award was recorded by the Industrial Tribunal on 30.6.1999 in Reference (IT) No.384/82 in terms of compromise which was arrived at between the parties to the said Reference. Mr S M Mazgaonkar and Mr Vaishnav have jointly requested that in view of the subsequent award, the award of 1991 is required to be quashed and set aside and it is required to be substituted by the subsequent award dated 30.6.1994 and, therefore, subsequent award is required to be implemented between the parties.

4. By consent of the parties, this petition is therefore, partly allowed. The impugned award dated 17.6.1991 recorded by the Industrial Tribunal Gujarat, Ahmedabad in Reference No.(IT) 683 of 1984 is ordered to be quashed and set aside and it is substituted by order in award dated 30.6.1994 recorded by the Industrial Tribunal Gujarat, Ahmedabad in Reference (IT) No.384/82. It is further directed that the said award of 30.6.1994 shall be implemented and executed in terms of consent given by the parties to the present petition.

5. In view of the aforesaid, this petition is disposed of. Rule is made absolute to the aforesaid extent. There shall be no order as to costs.

13.10.2000 [D P Buch, J.]

msp